

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

**ORIGINAL  
FILE**

In the Matter of )  
 )  
Modification of Section 90.267(b) )  
and Other Provisions of the )  
FCC's Regulations Affecting the )  
Ownership of Specialized Mobile )  
Radio (SMR) Systems Within )  
40 Miles of Each Other )

RM-8030

**ORIGINAL**

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**AUG 12 1992**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: The Commission

**STATEMENT IN OPPOSITION  
OF  
SOUTHERN CALIFORNIA EDISON**

The Southern California Edison, by its attorneys and pursuant to Section 1.405(a) of the Federal Communications Commission's (Commission's) rules, hereby respectfully submits this Statement in Opposition to the Petition for Rule Making filed by A & B Electronics, Inc. (A & B) on May 26, 1992.<sup>1/</sup>

**I. PRELIMINARY STATEMENT**

1. SCE is the second largest electric utility in the nation. Its service area stretches from Los Angeles, east to the Arizona border, and north to the Mono Lake

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<sup>1/</sup> Public Notice, Report No. 1899, Petitions for Rulemaking Filed, released July 13, 1992.

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region. Within this 50,000 square mile expanse, SCE serves over four million residences, schools, hospitals, businesses, and governmental facilities. In total, SCE provides electricity to approximately nine million people, i.e., to one in every 29 people in the nation.

2. To ensure its essential service is provided safely and efficiently to all these people, businesses, and locations, SCE maintains a large, complex internal telecommunications network. SCE extensively employs the public switched telephone network, private wire and fiber lines, microwave facilities, and, of course, land mobile radio. While each of the telecommunications elements is critical, SCE's land mobile network is perhaps the most important in enabling SCE to meet its enormous public safety and public service obligations. Land mobile communications are indispensable to the maintenance, repair and emergency preparedness activities associated with SCE's distribution system, at SCE's generating plants, and along its major transmission lines.

3. SCE currently operates an Industrial/Land Transportation (I/LT) trunked system at its San Onofre Nuclear Generating Station on 800 MHz frequencies. SCE also is in the process of implementing a

wide-area 900 MHz system to provide land mobile coverage across the utility's entire 50,000 square-mile service territory. Once completed, SCE's 900 MHz system will be one of the largest, most sophisticated, private land mobile networks in the country. Both of SCE's systems, for the most part, are licensed on channel pairs allocated to the I/LT and Business categories. A & B's Petition affects the future employment of this 800 MHz and 900 MHz spectrum by SCE. Accordingly, SCE submits this Statement in Opposition to express its concern regarding A & B's proposals.

## II. STATEMENT IN OPPOSITION

4. SCE believes that the allocation of 800 MHz and 900 MHz channels into the four service categories -- Business, I/LT, SMR, and Public Safety -- has adequately served the basic policy of ensuring that adequate channels are available to accommodate the needs of each category of eligibles. The changes proposed by A & B have the potential to erode significantly the long-standing balance in frequencies allocated among the categories. SCE therefore opposes A & B's Petition. In particular, SCE opposes A & B's proposal that any SMR licensee which has been designated as a "system licensee" should be exempt from the 40-mile restriction set forth in Section 90.627(b) of the

Commission's rules. The proposal would eviscerate the beneficial role which the 40-mile rule has played in promoting efficient use of this spectrum.<sup>2/</sup>

5. A & B suggests, essentially, that a "system licensee" should be exempt from the Commission's loading standards if its licensed station is located in an area that, as of the first renewal date, was not on the 800 MHz waiting list. However, there would be no assurance that the system licensee's channels will be loaded efficiently at the time it seeks to acquire additional channels. Indeed, A & B's Petition makes no mention of the requirement that SMR systems must be "fully loaded" in order to qualify for intercategory channels. Rather, A & B intends that system licensees would not have to be fully loaded in order to acquire channels through intercategory sharing.

6. SCE finds this proposal unacceptable. The Commission's channel loading rules have been aimed at ensuring efficient use of the channels. The approach suggested by A & B, premised on elimination of the

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<sup>2/</sup> SCE recognizes that currently SMRs cannot access the I/LT and Business 900 MHz spectrum. SCE's instant opposition stems from concerns regarding SCE's 800 MHz system, as well as the possibility of future intercategory sharing at 900 MHz.

requirement that applicants' systems be fully loaded, would remove this prerequisite for the acquisition of intercategory channels by designated system licensees. As a result, A & B's Petition, if adopted, would provide an incentive for less efficient use of the available frequencies. Licensees would have no reason to limit the provision of interconnected service and will in many cases find themselves accommodating a smaller number of mobile units.

7. The Commission could not ensure the adverse consequences of this proposal would be confined solely to the SMR category channels. Instead, A & B's system licensee proposal undoubtedly would exert unwarranted pressure on the limited number of available I/LT and Business category channels. There would be a dramatic increase in the demand for channels available through the intercategory sharing provisions, but no comparable gain in spectrum efficiency. Instead, spectrum efficiency would diminish. For this reason, SCE strenuously opposes adoption of A & B's proposal to relax the 40-mile restriction for the so-called system licensees.<sup>3/</sup>

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<sup>3/</sup> On the other hand, SCE does not oppose SMR licensees seeking the relief A & B seeks by rule waiver. It seems that in unique circumstances there may be cause for waiving the 40-mile rule.

**WHEREFORE, THE PREMISES CONSIDERED,** Southern California Edison opposes the Petition for Rule Making filed by A & B Electronics, Inc. and urges the Commission to act in accordance with the views expressed herein.

Respectfully submitted,

**SOUTHERN CALIFORNIA EDISON COMPANY**

By:

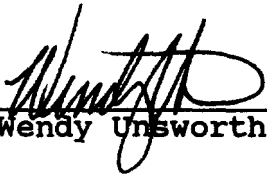
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Dated: August 12, 1992

**CERTIFICATE OF SERVICE**

I, Wendy Unsworth, a secretary in the law firm of Keller and Heckman, hereby certify that a copy of the foregoing Statement in Opposition has been sent via first class U.S. mail to the following on this 12th day of August, 1992:

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